IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Dustin Sorenson, Keith Hester, Robert Rodgers		
Assignee:	Dell Products L.P.		
Title:	System and Method for Information Handling System Consumable Automatic Ordering		
Serial No.:	10/787,399	Filed:	February 26, 2004
Examiner:	Marcus T. Riley	Group Art Unit:	2625
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APPEAL BRIEF

Dear Sir:

Applicant submits this Appeal Brief pursuant to the Notice of Appeal filed in this case on June 18, 2008. The fee for this Appeal Brief is being paid electronically via the USPTO EFS. The Board is also authorized to deduct any other amounts required for this appeal brief and to credit any amounts overpaid to Deposit Account No. 502264.

I.   REAL PARTY IN INTEREST - 37 CFR § 41.37(c)(1)(i)

The real party in interest is the assignee, Dell Products L.P. as named in the caption above and as evidenced by the assignment set forth at Reel 015774, Frame 0803.

II.   RELATED APPEALS AND INTERFERENCES - 37 CFR § 41.37(c)(1)(ii)

Based on information and belief, there are no appeals or interferences that could directly affect or be directly affected by or have a bearing on the decision by the Board of Patent Appeals and Interferences in the pending appeal.

III.   STATUS OF CLAIMS - 37 CFR § 41.37(c)(1)(iii)

Claims 1-20 are pending in the application. Claims 1, 4-10 and 14-18 stand rejected under 35 U.S.C. § 103(a) over U.S. Publication No. 2003/0144871 A1 issued to Turbeville et al. in combination with U.S. Patent No. 7,027,801 issued to Hall et al. Claims 2 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Turbeville and Hall and further in view of U.S. Patent No. 6,109,723 issued to Castle. Claims 3, 11-13 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Turbeville and Hall and further in view of U.S. Patent No. 6,535,932 issued to Endoh et al. The rejection of claims 1-20 is appealed. Appendix "A" contains the full set of pending claims.

IV.   STATUS OF AMENDMENTS - 37 CFR § 41.37(c)(1)(iv)

No amendments after final have been requested or entered.

V.   SUMMARY OF CLAIMED SUBJECT MATTER - 37 CFR § 41.37(c)(1)(v)

Information handling system end users have difficulty ordering peripheral supplies with sufficient time so that the supplies arrive before the use of the peripheral is lost for lack of supplies (page 2, lines 19-26). To aid in timely peripheral supply orders, Claim 1 recites a system for managing orders through a network of consumables comprising a consumable handler that monitors the peripheral to detect a consumable trigger event and assembles order information associated with the trigger event (Figure 1, element 22; page 6, line 4), an order engine that presents and accepts an order form for the consumable (Figure 1, element 28; page 6, line 20) and a pre-population engine that completes the order form for presentation at the information handling system in response to the order information (Figure 1, element 29; page 6, line 22). Claim 10 recites a method for managing orders through a network of consumables comprising detecting a consumable trigger event (Figure 3, element 40; page 8, line 3), assembling order information (Figure 3, element 42; page 8, line 4), communicating the order information to a consumable order server (Figure 3, element 44; page 8, line 6), pre-populating an order form (Figure 3, element 46; page 8, line 8), accepting a confirmation of the order form (Figure 3, element 50; page 8, line 11), and delivering the consumable (Figure 3, element 52; page 8, line 12). Claim 18 recites an information handling system comprising components to process information for printing (Figure 1, element 36; page 5, line 29), a printer (Figure 1,

element 12; page 5, line 25), an operating system (Figure 1, element 18; page 5, line 28), a printer driver to detect available consumable quantity of the printer (Figure 1, element 20; page 5, line 30), a consumable handler to apply detected consumable quantity to determine a trigger event for display for user-selected initiation of a consumable order and to communicate the order to an order server (Figure 1, element 22; page 6, line 4), and a browser to display a consumable order form provided by the consumable order server, the consumable order form automatically completed to support-selected confirmation of a consumable order (Figure 1, element 34; page 6, line 29).

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL - 37 CFR § 41.37(c)(1)(vi)

Whether claims 1, 4-10 and 14-18 are properly rejected under 35 U.S.C. § 103(a) over U.S. Publication No. 2003/0144871 A1 issued to Turbeville et al. in combination with U.S. Patent No. 7,027,801 issued to Hall et al. Whether claims 2 and 20 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Turbeville and Hall and further in view of U.S. Patent No. 6,109,723 issued to Castle. Whether claims 3, 11-13 and 19 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Turbeville and Hall and further in view of U.S. Patent No. 6,535,932 issued to Endoh et al.

VII.   ARGUMENT - 37 CFR § 41.37(c)(1)(vii)

Independent Claims 1, 10 and 18 are allowable over Turbeville and Hall because Claims 1, 10 and 18 are directed towards orders for information handling system peripheral consumables. Neither Turbeville nor Hall have any relationship to information handling system peripheral consumables. Accordingly, Applicants request that the Board reverse the Examiner's rejections.

A. Claim 1

Turbeville discloses pre-population of ship-from information on a web page to limit an end user's ability to select shipping service levels to those provided by the shipping carrier.

Hall discloses delivery of location-based targeted advertising.

Claim 1 recites, in part, "a consumable handler associated with the information handling system, the consumable handler operable to monitor the peripheral to detect a consumable trigger event and to assemble order information associated with the consumable trigger event in a predetermined format."

Turbeville and Hall cannot make obvious Claim 1 because Turbeville and Hall fail to teach, disclose or suggest all elements recited by Claim 1. For example, Turbeville and Hall fail to teach, disclose or suggest "a consumable handler associated with the information handling system, the consumable handler operable to monitor the peripheral to detect a consumable trigger event and to assemble order information associated with the consumable trigger event in a predetermined format" as recited by Claim 1. Hall addresses advertising, not information handling system peripherals or detecting a consumable quantity. The Examiner relies on column 4, lines 12-22 of Hall as disclosing a consumable handler that detects a consumable trigger event. Hall bases an advertisement to a mobile device on the location of the mobile device. Hall does not address information handling system peripherals or consumables used by peripherals. Accordingly, Applicants respectfully request that the Board reverse the rejections of Claim 1.

B. Claim 10

Claim 10 recites, in part, "detecting a consumable trigger event associated with the peripheral."

Turbeville and Hall cannot make obvious Claim 10 because Turbeville and Hall fail to teach, disclose or suggest all elements recited by Claim 10. For example, Turbeville and Hall fail to teach, disclose or suggest "detecting a consumable trigger event associated with the peripheral" as recited by Claim 10. Hall addresses advertising, not information handling system peripherals or detecting a consumable quantity. Hall bases an advertisement to a mobile device on the location of the mobile device. Hall does not address information handling system peripherals or consumables used by peripherals. Accordingly, Applicants respectfully request that the Board reverse the rejection of Claim 10.

C. Claim 18

Claim 18 recites, in part, "a consumable handler interfaced with the printer driver to accept detected consumable quantity, to apply the detected consumable quantity to determine a trigger event, to display the trigger event at the information handling system for user-selected initiation of a consumable order, and to communicate order information to a consumable order server upon user-selected initiation of a consumable order."

Turbeville and Hall cannot make obvious Claim18 because Turbeville and Hall fail to teach, disclose or suggest all elements recited by Claim 18. For example, Turbeville and Hall fail to teach, disclose or suggest "a consumable handler interfaced with the printer driver to accept detected consumable quantity, to apply the detected consumable quantity to determine a trigger event, to display the trigger event at the information handling system for user-selected initiation of a consumable order, and to communicate order information to a consumable order server upon user-selected initiation of a consumable order" as recited by Claim 18. Hall addresses advertising, not information handling system peripherals or detecting a consumable quantity. Hall bases an advertisement to a mobile device on the location of the mobile device. Hall does not address information handling system peripherals or consumables used by peripherals. Accordingly, Applicants respectfully request that the Board reverse the rejection of Claim 18.

VIII. CLAIMS APPENDIX - 37 CFR § 41.37(c)(1)(viii)

A copy of the pending claims involved in the appeal is attached as Appendix A.

IX. EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)

None

X. RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)

There are no related proceedings.

XI. CONCLUSION

For the reasons set forth above, Applicant respectfully submits that the rejection of pending Claims 1-20 is unfounded, and requests that the rejection of claims 1-20 be reversed.

Respectfully submitted,

/Robert W. Holland/

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1.   A system for managing orders through a network of consumables for an information handling system peripheral, the system comprising:

a consumable handler associated with the information handling system, the consumable handler operable to monitor the peripheral to detect a consumable trigger event and to assemble order information associated with the consumable trigger event in a predetermined format;

an order engine operable to present and accept an order form for the consumable through the network and at the information handling system; and

a pre-population engine interfaced with the consumable handler through the network and with the order engine, the pre-population engine operable to complete the order form for presentation to the information handling system in response to the order information.

2.   The system of Claim 1 wherein the peripheral comprises an ink jet printer and the consumable comprises one or more of ink or ink head device.

3.   The system of Claim 1 wherein the peripheral comprises a laser printer and the consumable comprises one or more of toner, imaging drum or imaging drum belt.

4.   The system of Claim 1 wherein the consumable handler comprises a module operable to interface with an accounting application and plural peripherals, the module tracking an inventory of consumables to place aggregate orders for consumables to supply the plural peripherals.

5.   The system of Claim 4 wherein the consumable handler module is further operable to automatically adjust the consumable inventory by decrementing the consumable supply at each consumable trigger event.

6. The system of Claim 1 further comprising:

an information handling system database associated with the pre-population engine and having a unique identifier for each of plural information handling systems with payment and delivery information;

wherein the pre-population engine is further operable to complete the order form by populating the payment and delivery information of a unique identifier included with the order information.

7. The system of Claim 6 wherein the order engine is further operable to accept updates to the order form entered at the information handling system.

8. The system of Claim 6 wherein the order information comprises printer identification information, and wherein the pre-population engine is further operable to complete the order form with a consumable associated with the printer.

9. The system of Claim 8 wherein the trigger event comprises one or more of consumable quantity, consumable consumption rate, time period between consumable orders, consumable usage patterns, consumable average daily use, or a user-selected parameter.

10. A method for managing orders through a network of consumables for an information handling system printer, the method comprising:

detecting a consumable trigger event associated with the peripheral;

assembling order information associated with the consumable trigger event in a predetermined format;

communicating the order information through the network to a consumable order server;

pre-populating an order form at the consumable order server in accordance with the order information;

presenting the order form through the network and at the information handling system;

accepting a confirmation of the order form at the information handling system; and

delivering the consumable in accordance with the order form.

11.   The method of Claim 10 wherein the printer comprises an ink jet printer and the consumable comprises ink.

12.   The method of Claim 11 wherein the consumable further comprises photographic printing paper.

13.   The method of Claim 10 wherein the printer comprises a laser printer and the consumable comprises toner.

14.   The method of Claim 10 wherein the order information comprises a unique identifier and pre-populating further comprises completing the order form in part with payment and delivery information stored at the order server.

15.   The method of Claim 14 wherein the payment and delivery information are the payment and delivery information used to purchase the information handling system.

16.   The method of Claim 10 wherein the trigger event comprises one or more of consumable quantity, consumable consumption rate, time period between consumable orders, consumable usage patterns, consumable average daily use, or a user-selected parameter.

17.   The method of Claim 10 wherein detecting a trigger event further comprises: monitoring consumable inventory for plural printers with accounting software; and determining a trigger event for the aggregate of printers and the consumable inventory.

18.   An information handling system comprising:
plural components operable to process information for printing by a printer onto a
        medium;
a printer interfaced with the plural components to accept and print the information with a
        consumable;
an operating system operable to coordinate operation of the plural components;
a printer driver associated with the operating system, the printer driver operable to
        coordinate communication of the information to the printer and to detect available

consumable quantity;

a consumable handler interfaced with the printer driver to accept detected consumable quantity, to apply the detected consumable quantity to determine a trigger event, to display the trigger event at the information handling system for user-selected initiation of a consumable order, and to communicate order information to a consumable order server upon user-selected initiation of a consumable order; and

a browser interfaced with the consumable handler and the consumable order server, the browser operable to display a consumable order form provided by the consumable order server, the consumable order form automatically completed to support user-selected confirmation of a consumable order.

19.   The information handling system of Claim 18 wherein the printer comprises a laser printer, the order information comprises a laser printer identifier, and the order form comprises a laser printer toner associated with the laser printer identifier and automatically selected by the order server.

20.   The information handling system of Claim 18 wherein the printer comprises an ink jet printer, the order information comprises an ink jet printer identifier, and the order form comprises an ink jet cartridge associated with the ink jet printer identifier and automatically selected by the order server.

EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)

None

RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)

There are no related proceedings.